

REMARKS

Claims 13-17 are allowed. All pending rejections have been withdrawn in view of the Appeal Brief filed December 14, 2004. The *Ex parte Quayle* action is discussed below:

Regarding Biological Deposit:

Applicants herewith submit a declaration of Patrick S. Eagleman, a Corporate Counsel of the assignee, that the *Bordetella pertusis* (BP536pWY) has been deposited by Baxter Healthcare Corp. with the American Type Culture Collection as a Budapest Treaty Patent Deposit. The deposit has been assigned accession number PTA-3254 (see attached Tab 1 for a copy of the deposit receipt for the American Type Culture Collection).

Applicants also submit that Baxter Healthcare Corp. will irrevocably remove all restrictions on the availability of the deposit upon the grant of a patent on this application.

Regarding Drawings:

On page 1 of the *Ex parte Quayle* Action, the examiner has accepted the drawings filed on September 30, 2003. However, on page 3, the examiner has alleged that the drawings contains sequences that have not been identified by sequence identifier, in particular, for Figures 7A-7C. In response, applicants refer to the office action response filed May 6, 2004, that the specification has been amended to correct the informalities.

Applicants also refer to the amendment under 37 CFR §§1.821-825, filed May 5, 2003, containing sequence listing and amendment to the specification incorporating the sequence identifiers, in particular, SEQ ID NOs. 6-12 for the corresponding sequences in Figures 7A-7C.

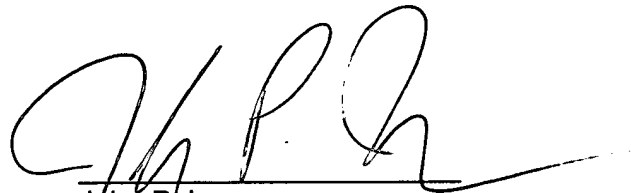
REQUEST

Applicants submit that the application is in condition for allowance, and respectfully request favorable consideration to that effect. The Examiner is invited to contact the undersigned at (202) 912-2000 should there be any questions.

Respectfully submitted,

April 19, 2005

Date



John P. Isacson
Reg. No. 33,715

Heller Ehrman LLP
1717 Rhode Island Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 912-2000
Facsimile: (202) 912-2020
Customer No. 26633